

REMARKS

Claims 35-41 are currently pending in the present application, with claims 1-34 being canceled, and new claims 35-41 being added.

The Examiner rejected Claims 1-5, 7-20, and 22-25 under 35 U.S.C. § 102(e) as being anticipated by Hara et al. (U.S. patent no. 6,438,611). The Examiner also rejected Claims 6, 21, and 26-34 under 35 U.S.C. § 103(a) as being unpatentable over Hara in view of Connick, Jr. (U.S. patent no. 6,348,648). These rejections are moot with respect to the canceled claims, and are addressed with respect to the newly added claims.

The present invention as claimed is directed to apparatus and software for facilitating joint composition of a musical piece by a plurality of users. Specifically, music data is composed and edited on a server in response to instructions from a plurality of client terminals. The server updates the music data each time the music data is edited by a user, and sends the latest version of the revised music data in response to an update request from a client terminal.

Hara, on the other hand, is directed to a network music play system for enabling a band performance amongst a plurality of members (e.g., a jam session). While Hara teaches a joint playing of music (see, e.g., Abstract), Hara does not contain any disclosure or suggestion of joint/group composition of music. Nor does Hara teach or suggest providing updated music pieces to the individual members. Applicants respectfully submit that the sections of Hara pointed out by the Examiner in the Detailed Action in fact do not teach or suggest composing music, but are rather directed to performance of music.

Likewise, Connick Jr. fails to make up for the deficiencies in that Connick Jr. is also directed to coordinating musical performances by multiple users; no disclosures or suggestions are made as

to joint composition of music. Accordingly, Applicants respectfully submit that the newly added Claims 35-41 are not anticipated by, or obvious in view of, either one of Hara or Connick Jr., or the combination thereof.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032021900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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